



June 21, 1999

Ms. Dianne Eagleton
Records Division
North Richland Hills Police Department
City of North Richland Hills
P.O. Box 830609
North Richland Hills, Texas 76182-0609

OR99-1690

Dear Ms. Eagleton:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125397.

The North Richland Hills Police Department (the "department") received an open records request for a particular offense report. You state that the "arrest information" has been released to the requestor in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). You seek to withhold the remaining information pursuant to section 552.108 of the Government Code.

Section 552.108 of the Government Code excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state [and]

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution;

(2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) the internal record or notation:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

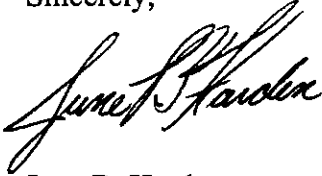
(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

You have not raised any particular subsection of section 552.108 as being applicable to the information at issue. Furthermore, you have not informed this office that the records at issue pertain to a pending criminal investigation or prosecution or that such investigation or prosecution ended in a result other than a conviction or deferred adjudication. Therefore, we conclude that you have not met your burden of demonstrating the applicability of section 552.108 to the records at issue. Because you have raised no other exception to public disclosure, we conclude that the department must release the requested records in their entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being more prominent.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/eaf

Ref.: ID# 125397

Encl: Submitted documents

cc: Mr. Luis Gonzales
3871 Hunters Point Way
Fort Worth, Texas 76103
(w/o enclosures)